

From: [Gray, David](#)
To: [Senn, John](#)
Cc: [Grantham, Nancy](#); [Bowman, Liz](#); [Graham, Amy](#)
Subject: RE: Three more NAAs re fuel issues in Texas
Date: Friday, September 22, 2017 11:21:00 AM

Sure we can do that

-----Original Message-----

From: Senn, John
Sent: Friday, September 22, 2017 10:47 AM
To: Gray, David <gray.david@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: RE: Three more NAAs re fuel issues in Texas

these apparently all happened yesterday afternoon (my team did not inform me that they were happening).

David, I can send you all three docs for Texas--are you folks able to take the lead on a release? I'm also working today on something for the response in the USVI.

From: Gray, David
Sent: Friday, September 22, 2017 11:14 AM
To: Senn, John
Cc: Grantham, Nancy; Bowman, Liz; Graham, Amy
Subject: RE: Three more NAAs re fuel issues in Texas

Please do – we are issuing an updated release with Texas shortly.

From: Senn, John
Sent: Friday, September 22, 2017 10:08 AM
To: Gray, David <gray.david@epa.gov>
Cc: Grantham, Nancy <Grantham.Nancy@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Graham, Amy <graham.amy@epa.gov>
Subject: Re: Three more NAAs re fuel issues in Texas

My understanding is that we are extending these but have yet to get confirmation from our team. Will circle back with them now.

Sent from my iPhone

On Sep 22, 2017, at 9:59 AM, Gray, David <gray.david@epa.gov<<mailto:gray.david@epa.gov>>> wrote:
Nancy – it is these that will expire today. Are we extending them again or letting them expire?
David

EPA Exercises Enforcement Discretion for Fuel Storage and Distribution Facilities in Texas

The U.S. Environmental Protection Agency (EPA) today announced that it will exercise enforcement discretion for petroleum distribution facilities, gasoline storage facilities and bulk fuel terminals in Texas that have been impacted or damaged by Hurricane Harvey.

EPA issued three “no action assurance” letters that are effective immediately and at the request of the State of Texas:

- A larger number of tanker trucks is needed to deliver fuel to some areas of Texas and Louisiana damaged infrastructure and flooding. EPA will not pursue enforcement actions against tanker trucks for certain provisions of the Clean Air Act and parallel Texas regulations that relate to tank tightness and registration for tanker trucks. This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 8.

- Due to infrastructure damage, Texas refineries are unable to operate at full capacity, which is causing gasoline shortages. EPA will not pursue enforcement actions that relate to violations of provisions of the Clean Air Act for emissions of certain air pollutants from gasoline storage tanks during events known as “roof landings.” This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 1.

- Due to operational issues at bulk fuel terminals as a result of Hurricane Harvey, some facilities are not equipped with devices to capture or recover certain types of air pollutants. EPA will not pursue enforcement actions that relate to violations of provisions of the Clean Air Act that require the operation of these devices at bulk fuel terminals. This no action assurance will terminate on September 22 and is an extension of a no action assurance issued by EPA on September 8.

Under EPA’s no action assurance letters, the facilities must continue to exercise good air pollution control practices and comply with all other federal, state and local environmental laws.

EPA policy allows the Agency to issue no action assurances in cases where it is necessary to avoid extreme risks to public health and safety and where no other mechanism can adequately address the matter. EPA believes that the exercise of enforcement discretion in these circumstances is in the public interest and will help address the emergency circumstances in Texas.